

City of Rowlett Meeting Minutes

4000 Main Street P.O. Box 99 Rowlett, TX 75030-0099 www.rowlett.com

City Council

City of Rowlett City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at 972-412-6115 or write 4000 Main Street, Rowlett, Texas, 75088, at least 48 hours in advance of the meeting.

Tuesday, January 3, 2012

5:30 P.M.

Municipal Building - 4000 Main Street

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

Present: Mayor Gottel, Mayor Pro Tem Phillips, Deputy Mayor Pro Tem Kilgore, Councilmember Davis, Councilmember Pankratz, Councilmember Miller and Councilmember Gallops

CALL TO ORDER

Mayor Gottel called the meeting to order at 5:30 p.m.

CONVENE INTO EXECUTIVE SESSION

Convened into Executive Session at 5:30 p.m.

2. EXECUTIVE SESSION (5:30 P.M.)

- 2A. The City Council shall convene into closed Executive Session under §551.071 (Legal Consultation with City Attorney), §551.072 (Real Property), and §551.087 (Economic Development), TEXAS GOVERNMENT CODE, to seek legal advice and deliberate regarding real property and economic development pertaining to a proposed facilities agreement for the Trails of Cottonwood Creek as it relates to sewer improvements. (20 minutes)
- 2B. The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Consultation with City Attorney) to consult with the City Attorney regarding settlement of pending litigation between City of Rowlett and Songer Construction. (10 minutes)

RECONVENE INTO OPEN SESSION

Reconvened into open session at 6:10 p.m.

3. WORK SESSION ITEMS (6:00 P.M.)

Deputy Mayor Pro Tem Kilgore joined the meeting during the Work Session at 7:00 p.m.

3A. Following a presentation, discuss Council support for a prospective senior housing project at 5404 Kenwood Drive. (20 minutes)

Staff gave a brief presentation on this item.

Tony Sisk, representative with Churchill Residential spoke regarding the project including age restrictions, the quality of the property and the various activities for the seniors. Stated resolutions showing commitment will be needed to allow this development to be competitive. Spoke regarding a home resolution, a revitalization resolution and the Chapter 380 Program.

Members of Council spoke in favor of the concept; felt the development would be an asset to the surrounding community; felt senior living is underserved. A concern was voiced regarding residential restrictions.

The City Attorney will research laws and regulations to insure the City is not discriminating regarding age restrictions.

3B. Discuss amending the Code of Ordinances by amending Article I ("In General") of Chapter 6 ("Animals") to revise the definitions of "Dangerous Animals", "Dangerous Propensities", and "Vicious Animal"; by amending Article V ("Vicious Animals") of Chapter 6 ("Animals") to replace the word "Animal" with "Dog", by amending Article VI ("Dangerous Animals") of Chapter 6 ("Animals") to replace the word "Animal" with "Dog". (15 minutes)

Staff brought forth the history of this item. Stated the proposed changes will make the interpretation and prosecution of the violations easier.

A member of Council asked if the proposed ordinance was breed specific.

Staff stated the proposed ordinance is not breed specific.

Council gave consensus to move forward with bringing an ordinance to them to make the necessary changes.

3C. Discuss reserving oil and gas rights in future conveyances of City-owned property. (15 minutes)

City of Rowlett 9099

This item followed Item 3D.

Councilmember Pankratz spoke regarding this item. Stated by approving this item on a future agenda, it will allow the City to be in control of the mineral rights in all future conveyances of City-owned property. Spoke regarding the term 'lignite' be included in the resolution.

A member of Council asked if this would be an impediment to future developments.

It was stated that the City would have the ability to waive these rights should it desire to.

Council gave consensus to have this item placed on the January 17th agenda.

3D. Discuss the agreement with HOK for Realize Rowlett Phase II to be authorized on the Consent Agenda including an overview of the planning process and moratoriums. (25 minutes)

This item followed Item 3B.

Staff gave a brief overview of this item. Spoke regarding the planning process and moratoriums.

At the November 29, 2011 Joint Meeting, questions were asked regarding halting development until the new Form Based Codes are in place and/or denying plats and development applications if they do not meet the new vision. Staff researched the option of a moratorium early in the Phase II process and determined that it was not legally possible to impose a moratorium that would be beneficial to the City. Staff stated this is a journey that is important and cannot be rushed. Even if a moratorium was legally possible the time constraints would have lead to a rushed process. The City as a whole has been seen as "developer unfriendly" in the past; now is not the time to discourage development. The priority area where it would have been most beneficial (C-1) is vested under an adopted PD. The areas chosen as priority areas were selected based on the importance of protecting the vision and/or because development is imminent. To date property owners are excited to work with the City to implement the vision and a moratorium is not necessary to establish the vision.

In the other nine areas, not included as priority areas, the traditional planning process will apply. The Planning and Zoning Commission and Council's best opportunity to evoke change and protect the vision is by rezoning the properties or upholding the vision when a zoning request is made. In areas not specifically studied under the Realize Rowlett 2020 Initiative the guiding principles established in the plan shall apply when reviewing zoning requests. If a property is currently zoned and all other development applications meet the zoning then it would be very difficult to deny an application.

Staff then spoke regarding the planning process and the community involvement.

Members of Council stated they appreciated how staff has listened to the citizens and for creating Realize Rowlett Phase II.

Item 3C followed this item.

4. DISCUSS CONSENT AGENDA ITEMS

No items were removed from the Consent Agenda to be considered individually.

CONVENE INTO THE COUNCIL CHAMBERS (7:30 P.M.)

Convened into open session at 7:30 p.m.

INVOCATION

The invocation was led by Reverend Steven Leatherwood, First Baptist Church of Rowlett.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tem Phillips.

TEXAS PLEDGE OF ALLEGIANCE

The Texas Pledge of Allegiance was led by Deputy Mayor Pro Tem Kilgore.

5. PRESENTATIONS AND PROCLAMATIONS

5A. Hear presentation of the Monthly Financial report for the period ending October 31, 2011.

Staff gave a presentation regarding the Monthly Financial report for the period ending October 31, 2011. Spoke regarding the new user-friendly reporting format, Revenues, Sales Taxes; Property Taxes; Water Fees; Sewer Fees; Expenditures and various Funds.

5B. Update from the City Council and Management: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest and Items of Community Interests.

Members of Council and Management gave a brief update to the Council on the various activities in the City including the mandatory Stage 3 Water Restrictions; the Rowlett Community

City of Rowlett 9101

Centre offers extended hours on Saturdays and Sundays through the month of March; the January 9th DART Service Change Community Meeting will begin at 6:30 p.m. at City Hall; the January 12th Joint Council Work Session Meeting with the Parks and Recreation Advisory Board and Keep Rowlett Beautiful will begin at 6:30 p.m. at the Community Centre; the January 18th Special Council Work Session will begin at 5:30 p.m. at City Hall; the January 26th Town Hall Meeting will begin at 7:00 p.m. at the Community Centre; the Animal Shelter will host a low-cost vaccination clinic on January 7th and 21st beginning at 12:30 p.m.; on January 7th the Library will host Fine Feathered Friends beginning at 2:00 p.m. at the Library; the City Manager's Book Club will be held on January 19th; the Heart of Texas Therapy Dogs will be at the Library on January 28th at 2:00 p.m.; City offices will be closed on January 16th to observe Martin Luther King Day; and the trash schedule will continue as normal through the holiday.

6. CITIZENS' INPUT

No one spoke during Citizens' Input.

7. CONSENT AGENDA

No items were removed from the Consent Agenda to be considered individually.

Interim City Secretary read the items into the record.

7A. Consider approving minutes from the November 29, 2011 City Council Joint Work Session Meeting and the December 6, 2011 Regular Meeting.

This item was approved on the Consent Agenda.

7B. Consider action to approve a resolution authorizing the City Manager to enter into an agreement with Hellmuth Obata Kassabaum LP (HOK) for Realize Rowlett 2020 Phase II.

This item was approved as RES-001-12 on the Consent Agenda.

7C. Consider action to approve a resolution awarding Bank Depository and Merchant Card Services to American National Bank and authorize the City Manager to enter into an agreement after City Attorney approval.

This item was approved as RES-002-12 on the Consent Agenda.

7D. Consider action to approve a resolution awarding the bid for the five-year lease purchase financing of one 2011 Dodge Ram Chassis with Frazer Type I Ambulance Module to Branch Banking and Trust (BB&T) Governmental Finance in the amount of one hundred forty-three thousand one hundred forty-six dollars and twenty cents (\$143,146.20) utilizing an interest rate of 1.75%.

This item was approved as RES-003-12 on the Consent Agenda.

7E. Consider action to approve a resolution awarding a contract to XIT Paving & Construction, Inc. for the Martin Drive Reconstruction Project from Industrial Road to SH66 (Lakeview Parkway) with a Base Bid amount of eight hundred eight thousand twenty-one dollars and thirty-nine cents (\$808,021.39), and approving a contingency amount of eighty thousand eight hundred two dollars and fourteen cents (\$80,802.14) (10%) for a total project budget of eight hundred eighty-eight thousand eight hundred twenty-three dollars and fifty-three cents (\$888,823.53) and authorizing the Mayor to execute such agreement in a form approved by the City Attorney.

This item was approved as RES-004-12 on the Consent Agenda.

7F. Consider a resolution determining the necessity to acquire a tract of land of approximately 0.033 acres owned by Rest Haven Funeral Home, Inc. for the public purpose of acquiring drainage easements and for construction, access, and to allow for the conveyance of drainage for the Kyle Road project; authorizing the City Manager to acquire said property; and authorizing the filing of proceedings in eminent domain to acquire the property.

This item was approved as RES-005-12 on the Consent Agenda.

7G. Consider a resolution determining the necessity to acquire a tract of land of approximately 0.149 acres owned by Texas Princeton Land, L.L.C. for the public purpose of acquiring drainage easements and for construction, access, and to allow for the conveyance of drainage for the Kyle Road project; authorizing the City Manager to acquire said property; and authorizing the filing of proceedings in eminent domain to acquire the property.

This item was approved as RES-006-12 on the Consent Agenda.

7H. Consider a resolution authorizing the acceptance of a dedication of a water utility easement on parts of Lots 21 and Lot 22, Block F, of the Lake Valley Estates Phase II Subdivision.

This item was approved as RES-007-12 on the Consent Agenda.

7I. Consider approving a resolution authorizing the City Manager to execute a License Agreement with Dallas Area Rapid Transit for the construction, installation, maintenance, and operation of one 12-inch sanitary sewer line within a 20-inch steel casing pipe crossing the North East Garland Line approximately 250 feet north of Miller Road at Mile Post 744.85, in Rowlett, Dallas County, Texas.

This item was approved as RES-008-12 on the Consent Agenda.

7J. Consider action to authorize the final acceptance of the 2011 Contract for Concrete Repair/Maintenance of Streets and the release of retainages in the amount of one hundred sixty-two thousand four hundred ninety-nine dollars and ninety-two cents (\$162,499.92) plus accrued interest on the retainages to Tri-Con Services, Incorporated, and authorizing the Mayor to execute the necessary documents.

This item was approved as RES-009-12 on the Consent Agenda.

7K. Consider action to approve a resolution authorizing the first of two one-year options to extend the annual bid for concrete repair of streets and alleys to Tri-Con Services, Incorporated in the unit amounts bid and an estimated annual amount of one million three hundred thousand dollars and no cents (\$1,300,000) and authorizing the Mayor to execute the Standard Public Works Construction Contract for said service.

This item was approved as RES-010-12 on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Mayor Pro Tem Phillips, seconded by Deputy Mayor Pro Tem Kilgore, including all the preceding items marked as having been approved on the Consent Agenda. The motion carried by the following vote:

Ayes: 7 Mayor Gottel, Mayor Pro Tem Phillips, Deputy Mayor Pro Tem Kilgore, Councilmember Davis, Councilmember Pankratz, Councilmember Miller and Councilmember Gallops

8. ITEMS FOR INDIVIDUAL CONSIDERATION

8A. Conduct a public hearing and consider an ordinance approving text amendments to the Rowlett Development Code relating to building, landscaping and use regulations in M-1 and M-2 manufacturing/industrial districts and temporary parking regulations for Temporary Use Permits.

Mayor Gottel read the item into the record.

Staff gave a brief history of all of the four Individual Consideration items as they are interrelated. Spoke regarding the proposed changes to the M-1 and M-2 standards; the landscape and masonry standards; and the steps to adopt and implement an overlay.

Mayor Gottel opened and closed the public hearing at 8:07 p.m. with no one speaking.

A motion was made by Mayor Pro Tem Phillips, seconded by Deputy Mayor Pro Tem Kilgore, to approve the item as read. This item was adopted as ORD-001-12. The motion carried by the following vote:

Ayes: 7 Mayor Gottel, Mayor Pro Tem Phillips, Deputy Mayor Pro Tem Kilgore, Councilmember Davis, Councilmember Pankratz, Councilmember Miller and Councilmember Gallops

8B. Conduct a public hearing and consider an ordinance approving text amendments to the Rowlett Development Code to adopt new Industrial Overlay District regulations.

Mayor Gottel read the item into the record.

Mayor Gottel opened and closed the public hearing at 8:08 p.m. with no one speaking.

A motion was made by Mayor Pro Tem Phillips, seconded by Councilmember Gallops, to approve the item as read. This item was adopted as ORD-002-12. The motion carried by the following vote:

Ayes: 7 Mayor Gottel, Mayor Pro Tem Phillips, Deputy Mayor Pro Tem Kilgore, Councilmember Davis, Councilmember Pankratz, Councilmember Miller and Councilmember Gallops

8C. Conduct a public hearing and consider approving an ordinance to rescind Planned Development 9-29-77D and establish a base zoning of General Manufacturing (M-2), for the Toler Industrial Park on Boyd Boulevard in the City of Rowlett, Texas.

Mayor Gottel read the item into the record.

Mayor Gottel opened and closed the public hearing at 8:09 p.m. with no one speaking.

A motion was made by Mayor Pro Tem Phillips, seconded by Deputy Mayor Pro Tem Kilgore, to approve the item as read. This item was adopted as ORD-003-12. The motion carried by the following vote:

City of Rowlett 9105

- Ayes: 7 Mayor Gottel, Mayor Pro Tem Phillips, Deputy Mayor Pro Tem Kilgore, Councilmember Davis, Councilmember Pankratz, Councilmember Miller and Councilmember Gallops
- **8D.** Conduct a public hearing and consider approving an ordinance establishing an Industrial Overlay District for the Boyd Boulevard, Gordon Smith Drive, Grisham Drive, and Dexham Road industrial park in the City of Rowlett, Texas.

Mayor Gottel read the item into the record.

Mayor Gottel opened and closed the public hearing at 8:10 p.m. with no one speaking.

A motion was made by Mayor Pro Tem Phillips, seconded by Deputy Mayor Pro Tem Kilgore, to approve the item as read. This item was adopted as ORD-004-12. The motion carried by the following vote:

Ayes:

7 Mayor Gottel, Mayor Pro Tem Phillips, Deputy Mayor Pro Tem Kilgore, Councilmember Davis, Councilmember Pankratz, Councilmember Miller and Councilmember Gallops

TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS

No actions followed the Executive Session items.

ADJOURNMENT

Mayor Gottel adjourned the meeting at 8:11 p.m.

Todd W. Gottel, Mayor

Date Approved: January 17, 2012